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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 MARK DANIEL ROLLINS,

7 Plaintiff,

8 v.

9 PIERCE COUNTY CORRECTIONAL
10 FACILITY, CORRECTIONS OFFICER
11 PAPP, SGT. HARDGROVE, and
12 CORRECTIONS OFFICER SHAVIRI,

13 Defendants.

No. C10-5438 RBL/KLS

REPORT AND RECOMMENDATION
Noted For: June 22, 2012

14 This civil rights action has been referred to the undersigned United States Magistrate
15 Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4.

16 It has been more than sixty days since the Court's latest mailings to Plaintiff were
17 returned and the Court does not have a current address for the Plaintiff. Therefore, the
18 undersigned recommends that the Court dismiss this action as Plaintiff appears to have
19 abandoned his case.

20 **DISCUSSION**

21 On June 22, 2010, Plaintiff Mark Rollins filed his complaint alleging various
22 constitutional violations against Defendants Pierce County Correctional Facility, Corrections
23 Officer Papp and Shaviri, and Sgt. Hardgrove. ECF No. 7. This case is proceeding on Plaintiff's
24 claims against Defendant Papp only. *See* ECF No. 29, at 1-2. An Amended Scheduling Order
25 was entered on March 27, 2012. ECF No. 48.
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1 On December 13, 2011, Plaintiff filed a Notice of Change of Address, reflecting an
2 address of 20406 Little Bear Creek Road No. 18, Woodinville, Washington. ECF No. 43. The
3 Court was recently advised that this is the address of Plaintiff's ex-girlfriend, that Plaintiff is
4 not allowed to live at this address, and that a no-contact order prohibits Plaintiff from contacting
5 his ex-girlfriend or returning to this address. As of March 29, 2012, Plaintiff was in the
6 Snohomish County Jail, but was due to be released on or about April 2, 2012. Plaintiff's
7 community custody officer, Louis Mahre, did not have a current address for Plaintiff or know if
8 Plaintiff will have an address after his release.
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10 On March 29, 2012, the Court directed Plaintiff to provide his current address within
11 fourteen (14) days. Copies of the Order were sent to Plaintiff at the Snohomish County Jail and
12 in care of Louis Mahre. ECF No. 49, at 2. The copy sent to Plaintiff at the Snohomish County
13 jail was returned to the Court, marked "Return to Sender, Released." ECF No. 50.
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15 Plaintiff has previously been advised of his obligation to keep this Court advised of his
16 current address. See ECF No. 45, at 3. Rule 41(b)(2) of the Local Rules provides:

17 A party proceeding pro se shall keep the court and opposing parties advised as to
18 his current address. If mail directed to a pro se plaintiff by the clerk is returned by
19 the Post Office, and if such plaintiff fails to notify the court and opposing parties
20 within 60 days thereafter of his current address, the court may dismiss the action
21 without prejudice for failure to prosecute.

22 CR 41, Local Rules W.D. Wash.

23 This action has existed more than sixty days without a current address for the Plaintiff.
24 Dismissal without prejudice for failure to prosecute is appropriate. Accordingly, the undersigned
25 recommends **DISMISSAL WITHOUT PREJUDICE** for failure to prosecute pursuant to Local
26 Rule 41(b)(2).

1 **CONCLUSION**

2 The Court should dismiss this action without prejudice as Plaintiff has left no forwarding
3 address and appears to have abandoned the case.

4 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
5 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
6 objections. *See also* Fed. R.Civ.P. 6. Failure to file objections will result in a waiver of those
7 objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the
8 time limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on
9 **June 22, 2012**, as noted in the caption.
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12 **DATED** this 6th day of June, 2012.

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15 Karen L. Strombom
16 United States Magistrate Judge
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